Mr. A. V. Moothedan *(Chalakkudi):* If the Advocate-General has no objection in accepting the amendment, I will move it. If he is opposing that amendment, I do not want to move.

Mr. President: How is the amendment which you wish to move consistent with the amendment which has just been made?

Mr. A. V. Moothedan *(Chalakkudi):* So many amendments are necessary for so many sections.

Mr. M. Sivarama Menon *(Advocate-General):* The amendment tabled by Mr. Moothedan will practically result in recasting of the sections. One suggestion of the Hon'ble Member is acceptable. I shall introduce the amendment at the third reading of the Bill to take in "Official Liquidators" also.

Mr. President: Does Mr. Moothedan wish to press his amendment or not?

Mr. A. V. Moothedan *(Chalakkudi):* I do not press that amendment, because 3 consequential amendments would be necessary. I am referring to the 1st amendment, that is, wherever the words "Official Receiver" and "receiver" occur, for that substitute the words.....

Mr. President: The Council has just voted the amendment which implies that those words are in the clause. Therefore, this amendment which you are now tabling is inconsistent with the amendment which the House has passed. Therefore, it is not in order.

Mr. A. V. Moothedan *(Chalakkudi):* What I suggest is for the words "Official receivers or receivers appointed by court", simply state "Officers appointed by court". May I, with your permission suggest one thing? In the amendment tabled by Mr. Narayana Menon, there seems to be an inadvertent omission, that is the clause of the amending Bill as brought forward by Government contains "leases granted by Official Receivers or Receivers appointed by courts". In its place "leases granted by officers appointed by courts" may be substituted.

Mr. M. Sivarama Menon *(Advocate-General):* I answered that it is a proviso to the main section.

Clause 3 as amended put and carried

Mr. President: Mr. Narayana Menon has given notice of a new clause between clauses 3 and 4.

Mr. K. Narayana Menon *(Mulakunnathukavu):* I do not move those amendments.

Clause 4

Mr. K. Narayana Menon *(Mulakunnathukavu):* I understand that the section as it stands, as tabled by Government, will cover the amendment also and therefore I do not move the amendment.

Mr. President: Mr. Kumaran Ezhuthassan has given notice of an amendment to clause 4.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I do not move that amendment.

Clause 4 put and carried

Clause 5 put and carried

Title and Preamble put and carried

Clause 1 put and carried

Mr. M. Sivarama Menon *(Advocate-General):* I move that the Cochin Verumpattamdars Act (Amendment) Bill be taken up and finally passed day after tomorrow.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried

The Cochin Abkari Act (Amendment) Bill

Mr. C. J. Mathew *(Joint Secretary to Government):* Sir, I beg to move that the Cochin Abkari Act (Amendment) Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. C. J. Mathew *(Joint Secretary to Government):* According to the existing provisions of the Act, Government have no authority to forfeit the kists deposited by persons who purchase in auction the right to sell toddy, arrack, etc. Such a provision is quite necessary for an effective working of the auction system. Then only purchasers will abide by the conditions laid down in the contract. In a recent decision of the High Court it was held a provision for forfeiture made in the rules was held to be *ultra vires* of the Act. With a view to make the rules *ultra vires*, it is necessary to amend the Act incorporating such a provision.

Motion put and carried

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Secretary to the Legislative Council: The title of the Bill is "The Cochin Abkari Act (Amendment) Bill.

Mr. C. J. Mathew *(Joint Secretary to Government):* I request the Hon'ble President be pleased to suspend S. O. 32.

Mr. President: Yes.

Mr. C. J. Mathew *(Joint Secretary to Government):* I move that the Bill may be taken into consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Clause 2 put and carried

Title and Preamble put and carried

Clause 1 put and carried

Mr. C. J. Mathew *(Joint Secretary to Government):* I move that the Bill be taken up and finally passed day after tomorrow.

Mr. B. V. K. Menon *(Secretary to Government):* I second it.

Motion put and carried

The Cochin Opium Act (Amendment) Bill

Mr. C. J. Mathew *(Joint Secretary to Covernment):* Sir, I beg to move that the Cochin Opium Act (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Opium Act (Amendment) Bill.

Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to request that the Hon'ble President be pleased to suspend S. O. 32.

Mr. President: Yes.

Mr. C. J. Mathew *(Joint Secretary to Government):* I move that the Bill be taken up for consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Mr. President: The question before the House is that clause 2 of the Bill stands part of the Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, in sending up the amendment, the idea was to curtail the powers of confiscation of the deposit. But on mature thought I find that such power is necessary. Hence I do not move the amendment.

Clause 2 put and carried

Title and preamble put and carried

Clause 1 put and carried

Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to move that the Bill may be taken up and finally passed day after tomorrow.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

The Cochin Tobacco Act (Amendment) Bill

Mr. C. J. Mathew *(Joint Secretary to Government):* Sir, I beg to move that the Cochin Tobacco Act (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Secretary to the Legislative Council: The title of the Bill is the Cochin Tobacco Act (Amendment) Bill.

Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to move that the President be pleased to suspend S. O. 32.

Mr. President: Yes.

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APPENDIX I

THE COCHIN ABKARI ACT (AMENDMENT BILL)

Preamble.—Whereas it is expedient to further amend the Cochin Abkari Act, I of 1077; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Abkari (Amendment) Act, of 11 and it shall come into force at once.

2. *Amendment to section 29.*—In sub-section (2) of section 29 of the Cochin Abkari Act, I of 1077, after "clause (q)" the following clause shall be added;

"(r) for the forfeiture, notwithstanding provisions to the contrary contained in the Cochin Contract Act, XXIII of 1112, or in any other law, of the whole or any portion of the kists deposited by persons who purchase the right to sell toddy, arrack, foreign liquors or ganja, in addition to damages recoverable by Government on account of the breach of the conditions of sale laid down by the Diwan from time to time."

Statement of Objects and Reasons

There is no provision in the Cochin Abkari Act, I of 1077, authorising the forfeiture of the kists deposited by persons who have purchased the right to sell toddy, arrack, foreign liquors or ganja when they fail to carry out the terms of the contract or commit a breach of the conditions of sale. For the effective and efficient working of the system of sale by auction it is necessary to take power in this behalf. Hence the Bill.

APPENDIX II

THE COCHIN OPIUM ACT (AMENDMENT) BILL

Preamble.—Whereas it is expedient to further amend the Cochin Opium Act, VIII of 1076 It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Opium (Amendment) Act, of 11 and it shall come into force at once.

2. *Amendment to section 6.*—In section 6 of the Cochin Opium Act, VIII of 1076.—

(a) the word "and" at the end of clause (c) shall be deleted;

(b) the word "and" shall be added at the end of clause (d); and

(c) after clause (d) and before the proviso the following clause shall be added.—

"(e) the forfeiture, notwithstanding provisions to the contrary contained in the Cochin Contract Act, XXIII of 1112, or in any other law, of the whole or any portion of the kists deposited by persons who purchase the right to sell opium, in addition to the damages recoverable by Government on account of the breach of the conditions of sale laid down by the Diwan from time to time."

Statement of Objects and Reasons

There is no provision in the Cochin Opium Act, VIII of 1076, authorising the forfeiture of the kists deposited by persons who have purchased the right to sell opium when they fail to carry out the terms of the contract or commit a breach of the conditions of sale. For the effective and efficient working of the system of sale by auction it is necessary to take power in this behalf. Hence the Bill.

APPENDIX III

THE COCHIN TOBACCO ACT (AMENDMENT) BILL

Preamble.—Whereas it is expedient to further amend the Cochin Tobacco Act, VII of 1084; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Tobacco (Amendment) Act, of 11 and it shall come into force at once.

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